



# **Austin City Council MINUTES For**

**MARCH 14, 1991**

## **MEETING CALLED TO ORDER - 1:00 P.M.**

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

## **MINUTES APPROVED**

1. Approved Minutes for Regular Meeting of March 7, 1991

On Councilmember Epstein's motion, Councilmember Larson's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Carl-Mitchell out of the room.

## **1:00 P.M. - CITIZEN COMMUNICATIONS**

2. Mr. Jon Carlson criticized those who constantly "Beat-Up" on individual Councilmembers during Citizen Communication time and agenda topics.
3. Mr. Richard Trachtenburg discussed City issues.
4. Mr. Walter Brown discussed continued and inexcusable delays in the provision of wastewater service to the Castlewood Forest area.
5. Mr. David N. Elliott discussed current City issues.
6. Mr. Eric Anderson, to discuss current City issues. Was not present.

## **1:30 P.M. - BOARD AND COMMISSION REPORTS**

7. CHILD CARE COMMISSION - Child Care Report  
Report given by Jeanette Watson.
8. PARKS AND RECREATION BOARD - Budget Reductions  
Report postponed to March 21, 1991.

#### ITEMS CONTINUED FROM PREVIOUS MEETINGS

9. Amended Section 2-4-9 of the Austin City Code, to allow members of the Community Development Commission (CDC) to serve on the Urban Renewal Board (URB).

On Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

10. Approved second/third readings of an Ordinance amending the FY 1990-91 Liability Reserve Fund Operating Budget by appropriating \$48,766.67 to settle the Sierra Club, Save Barton Creek Association, Allandale Neighborhood Association, Texas Association for Public Transportation and the Koenig Lane Business Association v. Austin Transportation Study Policy Advisory Committee, the Texas State Department of Highways and Public Transportation, City of Austin and Travis County; Cause No. 404,930.

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 6-1 Vote, Mayor Cooke voted No.

11. Approved amending Ordinance No. 870219-0 by allowing members of the MBE/WBE Advisory Committee to serve for staggered terms of two years and specifying that members of the Advisory Committee are subject to Chapter 2-3 of the Code of the City of Austin; specifying that members of the advisory committee are exempt from Section 2-4-6 of the City Code of the City of Austin. (Mayor Pro Tem Charles Urdy and Councilman Robert Barnstone)

On Councilmember Epstein's motion, Councilmember Larson's second, 7-0 Vote.

#### ORDINANCES

12. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 10400-10450 and 10401-10451 Morado Circle, Case No. C14-90-0065, from "LO", Limited Office to "MF-2-CO", Multi-family Residence (low density)-Conditional Overlay, ROSEWOOD RESIDENTIAL WEST/BONNET RESOURCES CORPORATION (A BANC ONE Company), by Bonnet Resources Corporation. First reading on January 10, 1991; Vote: 7-0. Conditions met as follows: Letter of Credit for \$560.00 has been posted to cover the applicant's pro rata share (2X) of the cost for intersection improvements at Great Hills Trail and Jollyville Road, and the cost of re-stripping the intersection of Morado Circle and Jollyville Road.
13. Approved first reading to grant a Charter bus franchise and a proposed rate of fare to Clark Travel and Tours.
14. Amended the FY 1990-91 Operating Budget by accepting \$1,475 in grant funding from Texas Committee for the Humanities Fund, and appropriating \$1,475 to the Parks and Recreation Department budget to enable the Elisabet Ney Museum to exhibit "Lost Treasures of the Ney". (There is no fiscal impact.)

**May 4, 1991 Election (Items 15-16)**

15. Approved an Ordinance incorporating Ordinance Nos. 910124-I, 910131-A, and 910207-E for the May 4, 1991 Municipal election into a single ordinance.

#12-15 on Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote.

16. Approved an Ordinance placing citizen petitioned charter amendments on the May 4, 1991 Municipal Election ballot to require budgeting for energy efficiency, renewable energy, water conservation, recycling and environmental protection. (Citizen Petition Initiative)

On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

**RESOLUTIONS**

17. Approved execution of a twelve (12) month contract with U.S. FIRE INSURANCE COMPANY AND AMERICAN INSURANCE COMPANY through Falcon Insurance Agency, Austin, Texas, for Airport Liability Insurance, in an amount not to exceed \$75,000 with two (2) twelve (12) month extension options, in an amount not to exceed \$75,000 per extension, for a total amount not to exceed \$225,000. (Funding included in the 1990-91 Operating Budget of the Airport Fund). Low bid of two (2) bids. 0% M/WBE Subcontractor participation.

On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

18. Approved negotiation and execution of Supplemental Amendment No. 1, in the amount of \$250,000 to the Existing Agreement with the Joint Venture of the Bower-Downing Partnership and Laurie Smith Design Associates, for the design of the proposed consolidation of the Intensive Care and Cardiac Care Units of Brackenridge Hospital, (Funding for the design is available in C.I.P. Project 861-847-0230. Funding for the construction of the consolidation will require sales of approved bonds). 7% MBE, 26% WBE Subcontractor participation.

On Councilmember Nofziger's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Carl-Mitchell out of the room.

19. Approved execution of a contract with DAVIS TRUCK AND EQUIPMENT, San Antonio, Texas, for the purchase of two (2) P.B. Loader Manufacturing Co., trucks to be utilized by the Public Works Department for street patching operations, in the amount of \$51,434. (Funding included in the FY 1990-91 Operating Budget of the Public Works Department). Sole Source. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910152-1LI

On Councilmember Epstein's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Carl-Mitchell out of the room.

20. Approved execution of a contract with KUENSTLER MACHINERY COMPANY, Manor, Texas, for the purchase of a Motor Grader for use by the Street and Bridge Division for various street and road construction repairs, in an amount not to exceed \$71,334. (Funding included in the 1990-91 Vehicle Acquisition Budget of the General Services Department.) Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910151-1LI
21. Approved execution of a contract with KUENSTLER MACHINERY CO., Manor, Texas, for a Front-End Loader for use by the Water and Wastewater Department for various types of dirt moving operations, in the amount of \$53,116. (Funding included in the 1990-91 Vehicle Acquisition Budget of the General Services Department.) Low bid of four (4) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910153-1LI
22. Approved execution of a contract with KUENSTLER MACHINERY COMPANY, Manor, Texas, for the purchase of three (3) tractor loader backhoes to be used by the Water and Wastewater Department for various types of dirt moving operations, in the amount of \$75,633. (Funding included in the 1990-91 Vehicle Acquisition Budget of the General Services Department.) Low bid of five (5) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities.
- 420-22 On Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote.
23. Approved execution of a contract with LITHOPRINT, Austin, Texas, for the printing of fifty thousand (50,000) four-color convention center brochures, in an amount not to exceed \$35,612. (Funding included in the 1990-91 Operating Budget of the Convention Center.) Low bid of three (3) bids. 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference IFB No. 910240-1CM

On Councilmember Larson's motion, Mayor Pro Tem Urdy's second, 5-1 Vote, Councilmember Nofziger voted No, Councilmember Carl-Mitchell out of the room.

24. Approved execution of a contract with MCGREGOR PRINTING CORP., Austin, Texas, for a six month supply agreement for continuous paper, in an amount not to exceed \$95,906, including the option to extend thereafter for up to two (2) six (6) month periods, in an amount not to exceed \$95,906 per extension, for a total amount not to exceed \$287,719. (Funding included in the 1990-91 Operating Budget of the General Services Department.) Low bid of six (6). 0% M/WBE Subcontractor participation. Reference File No. 900829-1CM.

On Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote.

25. Approved a contract with TOWERS, PERRIN, POSTER & CROSBY, Austin, Texas, for actuarial and consulting services for the Employee Benefits Fund, in an estimated amount not to exceed \$207,500. (Funding included in the Employee Benefits Fund.)

Best proposal of five (5). The prime proposer identified one area of subcontracting at 14.6%. One MBE and WBE Firm have been solicited; however, the prime does not know at this time which M/WBE Firm or both will be utilized until the service is needed.

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 7-0 Vote.

26. Authorized application for and acceptance of a grant in the amount of \$184,305 from the Texas State Library to provide Interlibrary Loan Services from September 1, 1991 through August 31, 1992.
27. Authorized application for and acceptance of a grant in the amount of \$31,757 from the Texas State Library for continuation of the Job Information Center at the Riverside Branch Library for the period of September 1, 1991 through August 31, 1992.
28. Authorized application for and acceptance of a grant in the amount of \$661,663 from the State of Texas, Governor's Office, Criminal Justice Division for continued funding of the Austin Regional Anti-Drug Abuse Task Force of the Police Department. (City's Match is \$272,881; \$232,781 will be provided from seized drug funds and \$40,100 will be provided by the City of Austin.)
29. Approved confirmation of the appointment of Dr. Raleigh M. Hood to the Civil Service Commission.

#26-29 on Councilmember Epstein's motion, Councilmember Barnstone's second, 7-0 Vote.

#### 4:00 P.M. - ZONING HEARINGS AND CONSIDERATION OF ORDINANCES

##### ZONING DISTRICTS

30. C14h-91-0002 - WOOTEN MEDICAL OFFICES, by Estate of J.G. Wooten, 109 East 10th Street, from "CBD" to "CBD-H". Planning Commission Recommendation: To grant CBD-H.

##### Ordinance

On Mayor Pro Tem Urdy's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Epstein out of the room.

##### ITEMS FROM COUNCIL

31. Approve a Resolution adopting the Express Institutional Network (ExNet) Plan. (Mayor Pro Tem Charles Urdy and Councilmember Smoot Carl-Mitchell)
32. Approve an Ordinance amending Chapter 12-3 of the Austin City Code by creating an INet/XNet Authority, granting it certain duties and responsibilities, and deleting

INet duties and responsibilities from the Cable Commission. (Mayor Pro Tem Charles Urdy and Councilmember Smoot Carl-Mitchell)

Mayor Cooke announced items 31 and 32 would be taken together.

#### Motion

Mayor Pro Tem Urdy made a motion, seconded by Councilmember Carl-Mitchell, to adopt the resolution, and pass the ordinance.

#### Friendly Amendment

Councilmember Barnstone offered a friendly amendment "to question on standard of appeal on Sec. 12354b to be amended to read "such decision by the authority may be reversed by the City Council upon a showing of the written record of meeting at which the facts were represented and determination made, that in the determination of the Council that decision does not promote the most efficient and effective usage of the institutional amendment." The friendly amendment was accepted.

#### Question Divided

Council decided to divide the question.

#### Motion - Died for Lack of Second

Councilmember Nofziger made a motion to postpone both items for two weeks. Motion died for lack of a second.

#### Roll Call on Item 31 - Resolution

6-1 Vote, Councilmember Nofziger voted No.

#### Roll Call on Item 32 - Ordinance

Ordinance passed through FIRST READING ONLY, 4-3 Vote, Councilmembers Epstein, Nofziger and Barnstone voted No.

33. Discussed/Approved amendments to an Ordinance that allows parking exemptions for vehicles with Purple Heart license Plates. (Mayor Lee Cooke)
  34. Amended the City of Austin's Legislative Program for the 72nd Texas Legislature to include the following items in the "seek passage of" category. (Legislative Subcommittee):
    - (a) Legislation allowing municipalities to compensate its employees engaged in active military duty.
    - (b) Amendments to the Municipal Drainage Utility Act allowing for collection of revenues for water quality retrofits in Austin's drainage area.
- #33-34 7-0 Vote on Council member Carl-Mitchell's motion, Councilmember Nofziger's second.

35. DID NOT Adopt an amendment to the City of Austin's Legislative Program for the 72nd Session of the Texas Legislature to include the following item in the support category:

"Self-enacting constitutional amendment authorizing, notwithstanding any other provisions of the Texas Constitution, the County of Travis, the City of Austin, and any cities, special districts, or fire districts within Travis County to:

- a. Call a referendum on the issue of creation of a City-County Charter Commission to propose a charter for a consolidation of governments in Travis County.
- b. Provide that the Charter Commission shall be composed of five, seven, or nine members elected in a nonpartisan election by the qualified voters of Travis County.
- c. Authorize a duly established Austin-Travis County Charter for a consolidated City-County government to become effective if approved by a majority of the qualified voters of Travis County." (Mayor Lee Cooke)

Motion by Councilmember Carl-Mitchell, seconded by Mayor Cooke, FAILED by a vote of 3-4 with Councilmembers Barnstone, Epstein and Larson and Mayor Pro Tem Urdy voting No.

**EXECUTIVE SESSION** (No Public Discussion on These Items)

Mayor Cooke announced Council would go into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision, or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

36. Pending/Contemplated Litigation - Section 2, Paragraph e

- (a) Discussion of potential litigation regarding Mount Larson development activities.
- (b) Discussion of pending or contemplated litigation related to Dull-A-Vision program aired on access television, Channel 33, on February 9, 1991.
- (c) Discussion of T.D. Realty, Inc. and Parmer-Metric Assoc. v. City of Austin; Cause No. 495,227

37. Land Acquisition - Section 2, Paragraph f

- (A) Review and discussion of real property acquisition for:
  - (1) Review and discuss real estate acquisition to accommodate space needs for City departments.

## **RECESS**

Council recessed its meeting for executive session from 4:20 to 5:48 P.M.

## **ACTION ON THE FOLLOWING**

38. Approved a settlement T.D. Realty, Inc. and Farmer-Metric Assoc. v. City of Austin;  
Cause No. 495-227.

The Council, on Councilmember Carl-Mitchell's motion, Mayor Cooke's second, authorized the City Attorney to negotiate and finalize a settlement with the North Central Austin Growth Corridor MUD #1 that establishes a \$4.70 post-annexation surcharge and that City will provide the existing level of park maintenance for a ten year period. 6-0 Vote, Councilmembers Barnstone out of the room.

## **39. APPOINTMENTS**

Council made the following appointments:

BOARD OF ADJUSTMENT - Laraine Benedikt, regular, and Janine Torigian, alternate

COMMUNITY DEVELOPMENT COMMISSION - Patricia Bushner and John Kovas

LIBRARY COMMISSION - Jesse Carrilo, Alicia Garcia, Chip Harris, John Laakso, Samuel Robertson, Ronald Wyllys

MEDICAL ASSISTANCE PROGRAM ADVISORY BOARD - Ann Baltzer, James Gunter, Barbara Hudson, Jerry Katz, Kevin Reed and August Swain

MUSIC COMMISSION - Gordon Cole, Nancy Coplin, Edward Guinn, Frances Jones, Richard May, V. Michael Mordecai, Rose Reyes Pitts, French Smith III and Shannon Vale

RMMA REDEVELOPMENT TASK FORCE - Richard Wheeler

URBAN RENEWAL BOARD - (Mayoral appointment confirmed by Council) Sarah Hendricks, John Moore, Yolanda Torres Nanyes, Luther C. Simond and Margaret Uriegas

URBAN TRANSPORTATION COMMISSION - Roger Baker Jr., Clare Barry, Patricia Holtman, Michael Simmons-Smith and Frances Worthy

## **SPEAKERS AT END OF MEETING**

Speakers at the end of the meeting were Henry Ratliff, Richard Fairclaw, Jessica Selekkoff and John Johnson.

## **ADJOURN**

The meeting was adjourned at 6:15 P.M. on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Epstein and Barnstone out of the room.